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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,755	11/14/2001	Thomas F. Meurer	12922-1	3906
26486	7590	10/24/2006	EXAMINER	
BURNS & LEVINSON, LLP (FORMERLY PERKINS SMITH & COHEN LLP) 125 SUMMER STREET BOSTON, MA 02110			DIETRICH, ETHAN M	
			ART UNIT	PAPER NUMBER
			3692	

DATE MAILED: 10/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/990,755	MEURER, THOMAS F.	
	Examiner	Art Unit	
	Ethan M. Dietrich	3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings are objected to because figures referred to in the description have not been provided. The missing figures include: 5D, 5E, 5F, 5G, 6C, 6D, 6F, 6G, 6H, 6I, 7C, 7D and 9A. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 1, 6 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "in combination" is not understood.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The reference to "other types of terminal devices" encompasses a broad range of terminals and is indefinite.

Claims 1, 6 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "other value" is indefinite.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "other protocol" is indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Gill et al, U.S. Patent 5,984,178.

Regarding **claim 1**, Gill et al discloses an ATM management system comprising a "means for parsing the ATM business transactions and management into an array of

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separate data-carrying entities (column 9 lines 32-39, column 10 lines 56-60) including ATM terminals and other types of terminal devices including POS devices and kiosks, the terminals, proprietor(s), providers of cash or other value to be dispensed via ATM terminals, transport and replenish service providers, and also the terminals per se and transactions and events of related respective business surrounding the system (column 13 lines 27-36), means associated with each of selected persons or entities or groups of them and the ATMs for providing separate activity data files of each (column 14 lines 40-44), means establishing contract terms or other protocols inter-relating each of said persons or entities with the ATMs and transactions and activities (column 10 lines 55-60, figure 1 "Rules Engine"), means for controlling all allowable customer transactions and events of each ATM and terminal back up service transactions and events by the terms or other protocol (column 8 lines 23-32, figure 1 "Rules Engine"), the system as a whole operating in parallel with but not dependent on the selection of bank records or other customer-institution relationship, the system acting in response to financial transaction authorizations and rejections (column 3 lines 65-67, column 4 lines 1-3)."

Regarding **claim 2**, Gill et al discloses a system as in claim 1 "configured for cash dispensing (column 8 lines 30-31)."

Regarding **claim 3**, Gill et al discloses a system as in claim 2 "including means for generation of cash orders and replenishments for such terminals (columns 1-3)."

Regarding **claim 4**, Gill et al discloses a system as in claim 1 "including means for generating a database of terminal events as needs and fulfillment (column 4 lines 46-49, column 11 lines 37-40)."

Regarding **claim 5**, Gill et al discloses a system as in claim 1 "including means for grouping ATMs and persons/entities as new pseudo entities incorporated in the database (column 15 lines 14-17, column 16 lines 26-28)."

Regarding **claim 6**, Gill et al discloses an ATM management system comprising a "means for parsing the ATM business transactions and management into an array of separate data-carrying entities (column 9 lines 32-39, column 10 lines 56-60) including terminal devices, proprietor(s), providers of cash or other value to be dispersed via ATM terminals, transport and replenish service providers, and also the terminals per se and transactions and events of related respective business surrounding the system (column 13 lines 27-36), means associated with each of selected persons or entities or groups of them and the ATMs for providing separate activity data files of each (column 14 lines 40-44), means establishing contract terms or other protocols inter-relating each of said persons or entities with the ATMs and transactions and activities (column 10 lines 55-60, figure 1 "Rules Engine"), means for controlling all allowable customer transactions and events of each ATM and terminal back up service transactions and events by the terms or other protocol (column 8 lines 23-32, figure 1 "Rules Engine"), the system as a whole operating in parallel with but not dependent on the selection of bank records or other customer-institution relationship (column 3 lines 65-67, column 4 lines 1-3), means for generation of cash orders and replenishments for such terminals (columns 1-3), and means for generating a database of terminal events as needs and fulfillment (column 4 lines 46-49, column 11 lines 37-40)."

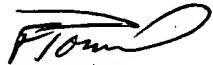
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Regarding **claim 7**, Gill et al discloses an ATM management system comprising a "means for parsing the ATM business transactions and management into an array of separate data-carrying entities (column 9 lines 32-39, column 10 lines 56-60) including terminal devices, proprietor(s), providers of cash or other value to be dispersed via ATM terminals, transport and replenish service providers, and also the terminals per se and transactions and events of related respective business surrounding the system, (column 13 lines 27-36) the system as a whole operating in parallel with but not dependent on the selection of bank records or other customer-institution relationship, the system acting in response to authorizations and rejections but not interfering with such processes (column 3 lines 65-67, column 4 lines 1-3).

Regarding **claim 8**, Gill et al discloses a system as in claim 7 "including means for grouping ATMs and person/entities as new pseudo entities incorporated in the database (column 15 lines 14-17, column 16 lines 26-28)."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ethan M. Dietrich, whose telephone number is 571-272-1874. The examiner can normally be reached on M-F 8-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot, can be reached at 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


FRANTZY POINVIL
PRIMARY EXAMINER
AU 3692